

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MACKS USA, INC., ET AL.,

Plaintiffs,

23-cv-7476 (JGK)

ORDER

- against -

U.S. DEPARTMENT OF LABOR, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

I.

On September 5, 2024, Ronald Barry Weisenberg ("Weisenberg"), counsel for the plaintiffs Macks USA, Inc. and Mujeeb Rahman ("Rahman"), submitted a letter to the Court in which Weisenberg expressed his desire to withdraw as counsel for the plaintiffs in the case. ECF No. 58. On September 6, 2024, the Court issued an order noting that counsel can only withdraw with Court permission which has not yet been granted. ECF No. 59. The Court further noted that a corporation cannot appear pro se and must appear by counsel or risk having a default judgment entered against it. Id.

The September 6, 2024 order directed the plaintiff Macks USA, Inc. to appear by new counsel by October 7, 2024, and the plaintiff Rahman to appear by new counsel or file a notice of pro se appearance by October 7, 2024. Id. To date, the

plaintiffs have not appeared by new counsel and Rahman has not filed a notice of pro se appearance.

The Court held a telephone conference in this case on October 23, 2024. See ECF No. 61. Weisenberg did not appear. Id. Instead, Rahman appeared pro se. Id.

On October 30, 2024, Weisenberg submitted: (1) a Notice of Motion for Weisenberg to Withdraw as Attorney for the Plaintiffs, ECF No. 63; (2) the Declaration of Weisenberg in Support of the Motion to Withdraw, ECF No. 64; and (3) a letter motion to seal the Declaration of Weisenberg, ECF No. 62.

II.

Weisenberg now moves to withdraw as attorney for the plaintiffs in this case. The Court has considered the procedural history and all of the filings in this case. By declaration, Weisenberg has presented "satisfactory reasons for withdrawal." See S.D.N.Y. Loc. Civ. R. 1.4. Weisenberg has also served the motion to withdraw and supporting papers on the plaintiffs by email and by Federal Express, and on counsel for the defendants via ECF. See id.; ECF No. 63-1.

The Court **grants** Weisenberg's motion to withdraw. Ronald B. Weisenberg is hereby relieved as counsel for the plaintiffs in this case. The Court also **grants** the motion to file the Declaration of Weisenberg under seal.

The Court notes that to take any further action in this case, the plaintiff Mujeeb Rahman must appear by new counsel or file a notice of pro se appearance, and the plaintiff Macks USA, Inc. must appear by new counsel.

The Clerk is directed to restrict electronic access to the Declaration of Weisenberg, ECF No. 64, to the parties and the Court. A physical copy of the Declaration of Weisenberg will be filed under seal. The Clerk is also directed to close ECF Nos. 62 & 63.

The Clerk is also directed to send to the plaintiffs: (1) a copy of this Order; and (2) a copy of the November 8, 2024 Memorandum Opinion and Order. The correspondence should be sent by mail and email to the following addresses and such mailing and emailing should be noted on the docket:


Macks USA, Inc.
c/o Mujeeb U. Rahman
167-09 Hillside Avenue,
Suite #2A
Jamaica, NY 11432
mrah8@aol.com
muraahman@aol.com

Mujeeb Rahman
167-09 Hillside Avenue,
Suite #2A
Jamaica, NY 11432
mrah8@aol.com
muraahman@aol.com

The case-management conference scheduled for Tuesday, November 12, 2024 at 11:30 a.m. is **canceled**.

SO ORDERED.

Dated: New York, New York
November 8, 2024



John G. Koeltl
United States District Judge